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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,963	10/01/2003	Remigijus Gaska	SETI-0004	8123
23550	7590	05/20/2004	EXAMINER	
HOFFMAN WARNICK & D'ALESSANDRO, LLC			FORDE, REMMON R	
3 E-COMM SQUARE			ART UNIT	PAPER NUMBER
ALBANY, NY 12207			2826	

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/676,963	GASKA ET AL.
	Examiner Remmon R. Fordé	Art Unit 2826

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication; even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 October 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 12-20 is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/01/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito et al..

Regarding claims 1, 3-5, 8-11, referencing Figure 8, Ito et al. discloses a semiconductor structure provided with a substrate (11); a first layer (31) formed above the substrate; and a textured nitride layer (35) formed on the first layer. (Abstract)

Regarding claim 2, referencing Figure 8, Ito et al. further discloses providing a metal layer (20) formed above the textured nitride layer. (Abstract)

Regarding claim 6, referencing Figure 8, Ito et al. further discloses that the semiconductor structure is used in a light-emitting device (30). (Abstract)

Regarding claim 7, referencing Figure 8, Ito et al. further discloses that the first layer (31) comprises a crystalline nitride layer (i.e. AlN). (Abstract)

Allowable Subject Matter

Claims 12-20 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 12 recites a field effect transistor structure including the specific structural limitations of providing that a crystalline nitride layer formed above the active layer; and a textured nitride layer formed on the crystalline nitride layer, which is neither anticipated by nor obvious over the prior art of record. Likewise, claims 13-17 are also allowable as being dependent upon allowable claim 12.

Claim 18 recites a light emitting device structure including the specific structural limitations of providing a p-type crystalline nitride layer formed above the light emitting structure; and a textured nitride layer formed on the crystalline nitride layer, which is neither anticipated by nor obvious over the prior art of record. Likewise, claims 19 and 20 are also allowable as being dependent upon allowable claim 18.

Relevant Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dreifus et al., Byun et al. and Shibata et al. each disclose semiconductor devices implementing nitride-textured surfaces.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Remmon R. Fordé whose telephone number is (571) 272-1916. The examiner can normally be reached on Monday-Thursday (8:00-6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NATHAN J. FLYNN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Remmon R. Fordé

